

HOUSE BILL NO. HB0063

Administrative rules.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to administrative rules; modifying
2 provisions regarding public comment periods for
3 administrative rules; modifying and clarifying provisions
4 regarding the adoption of emergency rules; modifying
5 provisions regarding the time for filing state agency
6 rules; modifying provisions relating to legislative review
7 of state agency rules; specifying applicability; and
8 providing for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 16-3-103(a)(ii)(intro) and (b),
13 16-3-104(a), 28-9-103(b), 28-9-104(a) and 28-9-106(a) are
14 amended to read:

15

1 **16-3-103. Adoption, amendment and repeal of rules;**
2 **notice; hearing; emergency rules; proceedings to contest;**
3 **review and approval by governor.**

4
5 (a) Prior to an agency's adoption, amendment or
6 repeal of all rules other than interpretative rules or
7 statements of general policy, the agency shall:

8
9 (ii) Afford all interested persons reasonable
10 opportunity to submit data, views or arguments, orally or
11 in writing, provided this period shall consist of at least
12 forty-five (45) days from the latter of the dates specified
13 under subparagraph (A) of this paragraph, and provided:

14
15 (b) When an agency finds that an emergency requires
16 the agency to proceed without notice or opportunity for
17 hearing required by ~~paragraph (a)(i)~~ subsection (a) of this
18 section, it may adopt emergency rules. An emergency rule is
19 effective when filed. A state agency emergency rule shall
20 bear the endorsement of the governor's concurrence on the
21 finding of emergency before the registrar of rules accepts
22 the rule for filing. The rule so adopted shall be effective
23 for no longer than one hundred twenty (120) days but the
24 adoption of an identical rule under W.S. 16-3-103(a) ~~(i)~~ or

1 of an emergency rule under this subsection is not
2 precluded. In no case shall identical or substantially
3 similar emergency rules be effective for a total period of
4 more than two hundred forty (240) days. A local agency may
5 proceed with the emergency rule when notice of the
6 emergency is filed with the local registrar of rules.

7

8 **16-3-104. Filing of copies of rules; permanent**
9 **register; effective dates; manner of preparation; advice**
10 **and assistance of attorney general.**

11

12 (a) Each agency shall file in the office of the
13 registrar of rules a certified copy of each rule adopted by
14 it as approved by the governor. State agencies shall file
15 each rule within ~~sixty (60)~~ seventy-five (75) days of the
16 date of agency action adopting the rule or it is not
17 effective. ~~Except for emergency rules and rules adopted by~~
18 ~~the game and fish commission fixing general hunting or~~
19 ~~fishing regulations, season or bag limits or establishing~~
20 ~~hunting areas, no state agency shall file a rule in the~~
21 ~~office of the registrar of rules sooner than forty (40)~~
22 ~~days after filing the rule with the legislative service~~
23 ~~office pursuant to W.S. 28-9-103(b).~~ There shall be noted
24 upon the rule a citation of the authority by which it or

1 any part of it was adopted. The registrar of rules shall
2 keep a permanent register of the rules open to public
3 inspection. Not more than ten (10) days after a state
4 agency files a copy of a rule in the office of the
5 registrar of rules, the agency shall mail a notice that the
6 rule has been filed to each person who was sent a notice
7 under W.S. 16-3-103(a)(i). The notice shall contain a
8 citation to the rule and the date it was filed. Failure to
9 send the notice required under this subsection does not
10 affect the effectiveness of the rule.

11

12 **28-9-103. Submission of rules for review; notice to**
13 **legislators.**

14

15 (b) An agency shall submit copies of adopted, amended
16 or repealed rules to the legislative service office for
17 review pursuant to W.S. 28-9-104 within ~~five (5)~~ ten (10)
18 days after the date of the agency's final action adopting,
19 amending or repealing those rules.

20

21 **28-9-104. Review procedure; time for review; criteria**
22 **for review.**

23

1 (a) ~~Except as otherwise provided in this subsection,~~
2 The legislative service office shall review rules submitted
3 under W.S. 28-9-103(b) and report its findings to the
4 council. ~~at the next regular council meeting scheduled more~~
5 ~~than ten (10) days after the rules were submitted.~~ The
6 legislative service office shall review new rules and
7 include therein any comments from the primary sponsor of
8 the legislation, the chairman of the interim or standing
9 committee which sponsored or acted upon the legislation
10 authorizing the new rules and any other legislator
11 submitting comments, and shall report their findings to the
12 council. ~~at the next regular council meeting scheduled more~~
13 ~~than thirty (30) days after the new rules were submitted.~~
14 The report required under this subsection shall be
15 submitted to the council:

16
17 (i) Within fifteen (15) days after the rules
18 were submitted under W.S. 28-9-103(b); or

19
20 (ii) If the legislature is in session at the
21 time the report would otherwise be due under paragraph (i)
22 of this subsection, then within ten (10) days after the
23 adjournment of the session.

24

1 **28-9-106. Council recommendations to the agency;**
2 **time.**

3

4 (a) ~~Within five (5) days, excluding Saturdays,~~
5 ~~Sundays and legal holidays, after the meeting at which the~~
6 ~~council received the legislative service office report~~
7 ~~under W.S. 28-9-104(a),~~ The council shall submit its
8 approval or its recommendations for amendment or rescission
9 to the governor and to the agency which submitted the rule.

10

11 **Section 2.** The amendments to W.S. 16-3-103(a)(ii)
12 made by this act shall be applicable only to rules for
13 which notice of intended action was provided after the
14 effective date of this act.

15

16 **Section 3.** This act is effective immediately upon
17 completion of all acts necessary for a bill to become law
18 as provided by Article 4, Section 8 of the Wyoming
19 Constitution.

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21

(END)